

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Frank Meyer-Guldner
Application No.: 09/767,801
Filed: January 22, 2001
Conf. No.: 3749
For: ELECTRO-OPTICAL MODULE
Examiner: Kevin S. Wood
Customer No.: 97149
Attorney Docket No.: F1002.12037US03

Art Unit
2874

STATEMENT OF SUBSTANCE OF VARIOUS INTERVIEWS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This submission is in response to a request by the Examiner's Supervisor Uyen-Chau N. Lee in a conversation with Applicants' Representative, John T. Gadd, on December 15, 2011 that Applicants' Representative place on the record recent attempts to move the prosecution of this case forward. Applicants' Representative has made numerous attempts to contact Examiner Kevin S. Wood since the mailing of the Notice of Non-Compliant Amendment mailed July 28, 2011 (the "Notice"). Although the Examiner has responded on two occasions, and the Examiner has acknowledged that the Notice was issued in error and has committed to withdraw the Notice and issue a new Office Action, as of today's date, December 22, 2011, the Notice has not been withdrawn and a new Office Action has not been issued. Accordingly, please enter the following statement from Applicants regarding the substance of various telephonic messages and interviews, for the above-identified application.

Applicants' Representative has made the following attempts to move this case forward via telephonic interviews and voicemails since the mailing of the Notice on July 28, 2011:

- 1) July 28, 2011 - Applicants' Representative called and left a voice message with the Examiner explaining that the Notice was issued in error due to the fact that the markup in the most recent claim amendments was correct for a reissue application.
- 2) August 1, 2011 - Applicants' Representative conducted telephonic interview with the Examiner and explained that the Notice was issued in error due to the fact that the markup in the most recent claim amendments was correct for a reissue application. The Examiner committed to look into the reissue markup and, if the most recent claim amendment markup was in fact correct, withdraw the Notice.
- 3) August 17, 2011 - Applicants' Representative called and left a voice message with the Examiner requesting that the Examiner return the phone call to give Applicants' Representative a status update.
- 4) August 29, 2011 - Applicants' Representative called and left a voice message with the Examiner requesting a status update.
- 5) August 30, 2011 - Applicants' Representative received a voice message from the Examiner. The verbatim transcript of this voice message is as follows:

Hello, my name is Kevin Wood, I'm a patent Examiner. I'm calling regarding Application No. 09/767,801. I have a Notice of Non-Compliant. You disagreed with the Notice of Non-Compliant. You believe your amendment is compliant because it's a reissue and because reissue practice is different with the amendments. **I checked on it. I agree with you.** So what I am going to have to do, I am out of the office for this entire week, **I should get an action out on that next week.** Anyway if you need to reach me it's 571-272-2364. I will be checking my voicemail but I'll be out of the office most of the week, so you can leave me a message. Once again this is Kevin Wood, it's 571-272-2364, and the application is 09/767,801. Thanks a lot. Have a good day. (*Emphasis added*).

- 6) September 13, 2011 - Applicants' Representative called and left a voice message with the Examiner requesting that the Examiner return the phone call to give Applicants'

- Representative a status update and inform Applicants' Representative when the Office Action will be issued.
- 7) September 27, 2011 - Applicants' Representative called and left a voice message with the Examiner requesting that the Examiner return the phone call to give Applicants' Representative a status update and inform Applicants' Representative when the Office Action will be issued.
- 8) October 17, 2011 - Applicants' Representative called and left a voice message with the Examiner's Supervisor requesting that the Examiner's Supervisor return the phone call to give Applicants' Representative a status update and inform Applicants' Representative when the Office Action will be issued.
- 9) October 28, 2011 - Applicants' Representative called and left a voice message with the Examiner's Supervisor requesting that the Examiner's Supervisor return the phone call to give Applicants' Representative a status update and inform Applicants' Representative when the Office Action will be issued.
- 10) November 11, 2011 - Applicants' Representative called and left a voice message with the Examiner requesting that the Examiner return the phone call to give Applicants' Representative a status update and inform Applicants' Representative when the Office Action will be issued.
- 11) December 15, 2011 - Applicants' Representative called and left a voice message with the Examiner requesting that the Examiner return the phone call to give Applicants' Representative a status update and inform Applicants' Representative when the Office Action will be issued.
- 12) December 15, 2011 - Applicants' Representative called and left a voice message with the Examiner's Supervisor requesting that the Examiner's Supervisor return the phone call to give Applicants' Representative a status update and inform Applicants' Representative when the Office Action will be issued.

13) December 15, 2011 - The Examiner's Supervisor called and conducted telephonic interview with Applicants' Representative. Applicants' Representative described recent attempts to move the prosecution of this case forward. The Examiner's Supervisor indicated that she had forwarded each message left in her voicemail by Applicants' Representative to the Examiner and had assumed that the Examiner had responded to Applicants' Representative. Applicants' Representative informed the Examiner's Supervisor that the Examiner had not responded to Applicants' Representative's voicemails since the August 30, 2011 voicemail, a full 3.5 months earlier. The Examiner's Supervisor requested that Applicants' Representative file, for the record, a Statement of Substance of Various Interviews detailing recent attempts to move the prosecution of this case forward.

CONCLUSION

In view of the foregoing, Applicants wish to thank the Examiner for acknowledging in an August 30, 2011 voicemail that the Notice was issued in error and respectfully request that the Examiner withdraw the erroneously issued Notice, as the Examiner committed to do in the telephonic interview conducted on August 1, 2011. Applicants also respectfully request that the Examiner allow the present claims. In the event the Examiner finds any remaining impediment to the prompt allowance of this application that could be clarified by a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney.

Dated this 22nd day of December, 2011.

Respectfully submitted,

/John T. Gadd/ Reg. No. 52,928

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